

## REMARKS AND ARGUMENTS

Claims 1-47 and 73-87 are pending in the application.

The Examiner is thanked for the courtesy of conducting a telephone interview with the undersigned on April 29, 2007. In conformity with this interview, claim 32 has been amended as discussed, mainly to define that the signals transmitted by the control unit to the probe unit comprise control and programming signals (technically known as cueing signals that alter a program) to start, stop, and/or alter the activity of the annular means of the probe unit. Support for this amendment can be found, for example, on page 3, line 9, of the specification.

Further with regard to the telephone interview of April 29, 2008, this confirms that the Interview Summary dated 05/05/2008 accurately reflects the substance of the interview. In particular, during the interview the functionality distinctions between the Hochman reference and the present invention as defined in claim 32 were discussed. In this regard, applicants respectfully submit that the functional limitations of claim 32 are fully in line with the requirements of MPEP Section 2173.05(g), which discusses functional limitations as being comparable to any other limitation of a claim.

Applicants' claim 32 requires a (separate) control unit that comprises two-way communication means adapted to both receive signals from the probe unit

and transmits signals to the probe unit wirelessly and in real time. In particular, as defined in amended claim 32, applicants' control unit is adapted to transmit, to the probe unit, control and programming signals **to start, stop, and/or alter the activity of the annular means of the probe unit**. In contrast, the Hochman reference, which is summarized on page 1 of the specification of the present application, neither discloses nor suggests a separate controller unit that is adapted to both receive signals from the probe unit and transmit signals to the probe unit wirelessly and in real time, and in particular does not provide a controller unit for the transmission of signals to the probe unit that are control and programming signals to start, stop, and/or alter activity of the probe unit. Even in the Fig. 5 embodiment of Hochman, the interrogator 33 thereof merely sends out a carrier signal to "measure" muscle function. The carrier signal is subsequently "scattered" or reflected back to the interrogator 33. In this regard, the Examiner's attention is respectfully directed to the paragraph bridging columns 8 and 9 in Hochman. Thus, this interrogator is not a controller unit, and certainly not a controller unit as defined in applicants' amended claim 32, but rather is a monitoring device that is adapted to receive a reflected measurement carrier signal for comparison thereof to a norm and/or to the carrier signal itself. It is not possible with the interrogator 33 of Hochman to alter the operation of the probe. The carrier signal emitted by the interrogator is in no way a programming or cueing signal, and cannot start, stop, and/or alter the activity of the probe unit. With Hochman, starting, stopping, and/or altering of the activity of the probe unit can be performed only by pressing the buttons on the probe or stimulator unit

itself (see Fig. 1 of Hochman), and it is furthermore necessary to program the stimulation unit of Hochman prior to use, i.e. prior to insertion into the vagina. In fact, such preprogramming of the stimulation unit of Hochman could not be effected from a separate unit even prior to insertion of the stimulation unit. Rather, all control and programming actions must be performed manually on the probe itself, prior to insertion. In this regard, the Examiner's attention is respectfully directed to column 1 of Hochman, last paragraph, column 6, lines 22 – 24 as well as lines 39 – 44, and the top of column 8. Since all of the control buttons are on the stimulating unit itself, with Hochman it is impossible to start, stop, and/or alter the activity of the stimulation unit after insertion, in distinct contrast to the stated requirements of applicants' claim 32.

In view of the forgoing discussion, applicants respectfully submit that Hochman cannot anticipate amended claim 32 since it does not teach every element of the claim, and certainly not in as complete detail as is contained in claim 32, as required by MPEP Section 2131. It is furthermore respectfully submitted that it also would not be obvious to one of ordinary skill in the art to provide an external controller unit, as required by applicants' amended claim 32, to perform programming and control actions that in Hochman are solely provided by control buttons on the stimulator itself.

New claims 73-87 are also being submitted with this amendment. Claim 73 is directed to defining that the means of the controller unit adapted to transmit signals to the probe unit includes means for wirelessly altering operation settings of the probe unit in real time. Support for the features of this additional claim can

be found, for example, in original claim 2, as well as on page 10, lines 5 and 6, of the specification. Claim 74 then includes the feature that such means of the controller unit integrates a battery, transceiver, antenna, memory and a microprocessor.

Claim 75 includes the feature that the probe unit contains no surface controls. This feature can be seen from Fig. 1 of the drawings, and is described, for example, at the bottom of page 3 of the specification. Claim 76 defines that the microprocessor, memory, battery, and two-way communication means with antenna of the probe unit are in fact integrated in the probe unit. Support for the features of this claim can be found, for example, on page 5, lines 11 and 12, of the specification. Claim 77 further defines that the controller unit also includes integrated, with the two-way communication means, a programmable microprocessor, battery and antenna, wherein an interactive or closed wireless signal feedback loop is provided within said probe unit and between said controller unit and said probe unit in real time during operation of said system. Further support for these features can be found on page 8, lines 15, 17, and the top of page 9, of the specification. Claim 78 defines the microprocessor as being a programmable microprocessor, and claim 79 defines the two-way communication means as being transceivers.

Method claims 80 - 87 have also been added to more closely track those claims that have not been cancelled.

In view of the foregoing discussion, applicants respectfully request reintroduction of withdrawn claims 1, 12, 13, 20-31, 38-40, 44 and 45. Claims

38-40, 44 and 45 all depend directly or indirectly on amended claim 32. Claims 1, 12, 13 and 20-31 all require, at the least, the limitations of such amended claim 32, and hence should also be capable of being reintroduced. Claims 48 – 72 have been cancelled.

In view of the foregoing, applicants respectfully submit that all of now pending claims 1-47 and 73-85 should be in condition for allowance. However, should the Examiner have any further comments or suggestions, the undersigned very much welcomes his offer during the telephone interview to further discuss any outstanding issues in order to expedite placement of the application into condition for allowance.

Respectfully submitted,



Robert W. Becker, Reg. 26,255  
Attorney for Applicants

ROBERT W. BECKER & ASSOCIATES  
707 State Hwy 333, Suite B  
Tijeras, NM 87059-7507

Telephone: (505) 286-3511  
Facsimile: (505) 286-3524